IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL
Writ Petition (M/S) No. 139 of 2003

Smt. Shimla Devi ... Petitioner

Vs

The Union of India & others ... Respondents

Mr. U.S. Bhakuni, , Advocate, present for the petitioner
Mr. S. Mishra, Standing Counsel (Central Government), present for the respondents.

Hon'ble Kalyan Jyoti Sengupta, J. (Oral)

The present writ petition is taken up for hearing today.

Going by the prayer portion of this writ petition and after hearing the learned counsel for the parties, I think prayer Nos. (a), (b) and (c) have now become infructuous for during the pendency of the writ petition, the petitioner had vacated the quarter. As far as prayer No. (d) is concerned, I think that respondents authorities shall reconsider, as to whether the penal rent is chargeable on the facts and circumstances of this case.

Accordingly, the writ petitioner would be free to make a fresh representation to the respondent No. 2 who will examine the rate applied for realization of the damage charges of the rent. This shall be done within a period of eight weeks from the date of communication of this order. While taking decision, if it is found that the rate applied for recovery of penal rent is not appropriate and jist the appropriate rate should be applied and there should be re-quantification of the charges of occupation of the petitioner and her husband after he was transferred from Dehradun to Jabalpur. In course of this exercise, if it is found that the rate imposed earlier is higher, then the balance amount of recovery shall be returned to the petitioner.

With the aforesaid observation, the writ petition is disposed of.

No order as to costs.

(K.J. Sengupta, J.)

23.11.2012
ASWAL